

TFW 1653

PTO/SB/21 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/501,171	
	Filing Date	September 27, 2004	
	First Named Inventor	WINSLOW, Robert M., et. al.	
	Art Unit	Unknown	
	Examiner Name	Unknown	
Total Number of Pages in This Submission	10	Attorney Docket Number	XMET-1034865

ENCLOSURES (Check all that apply)				
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Miscellaneous Communication Regarding Power of Attorney; Statement Under 37 CFR 3.73(b); and Return Receipt postcard. Also, please see remarks below.		
<table border="1"><tr><td>Remarks</td></tr><tr><td>Also enclosed are courtesy copies of the Notice Regarding Power of Attorney mailed October 11, 2005; Revocation and New Power of Attorney by Assignee of Entire Interest and supporting documentation and Assignment (Joint) that was previously submitted on September 27, 2005.</td></tr></table>			Remarks	Also enclosed are courtesy copies of the Notice Regarding Power of Attorney mailed October 11, 2005; Revocation and New Power of Attorney by Assignee of Entire Interest and supporting documentation and Assignment (Joint) that was previously submitted on September 27, 2005.
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	GORDON & REES LLP Customer No. 27111		
Signature			
Printed name	Laurie A. Axford		
Date	November 15, 2005	Reg. No.	35,053

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name	Jose R. Lopez, Jr.	Date	November 15, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

WINSLOW, Robert M., *et al.*

Serial No.: 10/501,171

Filed: September 27, 2004

For: METHODS AND COMPOSITIONS FOR
OXYGEN TRANSPORT COMPRISING
MODIFIED HEMOGLOBIN IN PLASMA

Customer No.: 27111


Confirmation No.: 7868

Group Art Unit: Unknown

Examiner: Unknown

Docket No.: XSAN-1034865
[formerly 034107-046]

I HEREBY CERTIFY THAT THIS PAPER IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE WITH SUFFICIENT POSTAGE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 ON November 15, 2005.


Jose R. Lopez, Jr.

MISCELLANEOUS COMMUNICATION REGARDING POWER OF ATTORNEY

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants are submitting this Miscellaneous Communication in response to the Notice Regarding Power of Attorney mailed October 11, 2005, a copy of which is attached hereto.

As requested in the Notice, Applicants are submitting herewith a Statement Under 37 CFR 3.73(b), with a courtesy copy of the Assignment (Joint) that was previously submitted on September 27, 2005 for recordation. Also enclosed is a copy of the Revocation and New Power of Attorney by Assignee as previously filed on October 6, 2005.

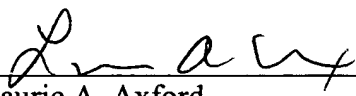
In view of the foregoing, Applicants respectfully request that the Revocation and New Power of Attorney by Assignee be accepted. If any outstanding issues remain, Applicant urges the Patent Office to telephone Applicants' attorney so that the same may be resolved and the application expedited to issue.

Appl. No. 10/501,171
Miscellaneous Communication regarding Power of Attorney

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-1990 and please credit any excess fees to such deposit account.

Respectfully submitted,

Dated: November 15, 2005

By: 
Laurie A. Axford
Registration No. 35,053

**Please recognize our Customer Number 27111
as our correspondence address.**

GORDON & REES, LLP
101 West Broadway, Suite 1600
San Diego, California 92101-8217
Phone: (619) 696-6700
Facsimile: (619) 696-7121
Attorney Docket No. XSAN-1034865

XSAN\1034865\307974.1

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: INSLOW, Robert M., et al.Application No.: 10/501,171 Filed/Issue Date: September 27, 2004Entitled: METHODS AND COMPOSITIONS FOR OXYGEN TRANSPORT COMPRISING MODIFIED HEMOGLOBIN IN PLASMAMetrika, a California corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

States that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☒ Copies of assignments or other documents in the chain of title are attached.
[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Laurie A. Axford
Signature

November 15, 2005

Date

Laurie A. Axford

Printed or Typed Name

(619) 696-6700

Telephone Number

Attorney for Metrika, Inc.

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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UNITED STATES PATENT AND TRADEMARK OFFICE

NOV 18 2005

 UNITED STATES DEPARTMENT OF COMMERCE
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 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/501,171	09/27/2004	Robert M. Winslow	034107-046

41790
 BUCHANAN INGERSOLL LLP
 (INCLUDING BURNS, DOANE, SWECKER & MATHIS)
 12230 EL CAMINO REAL
 SUITE 300
 SAN DIEGO, CA 92130

CONFIRMATION NO. 7868

OC000000017284747

Date Mailed: 10/19/2005

NOTICE REGARDING POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/11/2005. The Power of Attorney in this application is not accepted for the reason(s) listed below:

- The Power of Attorney is from an assignee and the Certificate required by 37 CFR 3.73(b) has not been received.

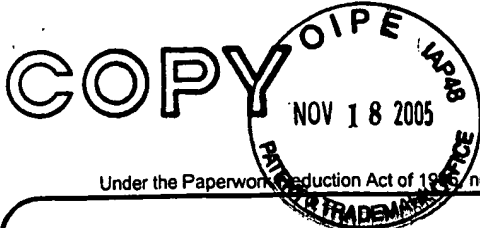
HOMA SARWARI
 PTOSS (703) 305-0677

FORMER ATTORNEY/AGENT COPY

RECEIVED

OCT 24 2005

 BURNS DOANE SWECKER & MATHIS
 SAN DIEGO, CA
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PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

2

Application Number	10/501,171
Filing Date	September 27, 2004
First Named Inventor	WINSLOW, Robert M. et al.
Art Unit	Unknown
Examiner Name	Unknown
Attorney Docket Number	XSAN-1034865

ENCLOSURES (Check all that apply)

- | | | |
|--|--|---|
| <input type="checkbox"/> Fee Transmittal Form
<input type="checkbox"/> Fee Attached
<input type="checkbox"/> Amendment/Reply
<input type="checkbox"/> After Final
<input type="checkbox"/> Affidavits/declaration(s)
<input type="checkbox"/> Extension of Time Request
<input type="checkbox"/> Express Abandonment Request
<input type="checkbox"/> Information Disclosure Statement
<input type="checkbox"/> Certified Copy of Priority Document(s)
<input type="checkbox"/> Response to Missing Parts/
Incomplete Application
<input type="checkbox"/> Response to Missing Parts
under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)
<input type="checkbox"/> Licensing-related Papers
<input type="checkbox"/> Petition
<input type="checkbox"/> Petition to Convert to a
Provisional Application
<input checked="" type="checkbox"/> Revocation and New Power of Attorney
by Assignee of the Entire Interest
<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> Request for Refund
<input type="checkbox"/> CD, Number of CD(s) _____
<input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Appeal Communication to Board
of Appeals and Interferences
<input type="checkbox"/> Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Other Enclosure(s) (please identify
below):
Returned Receipt Postcard |
|--|--|---|

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Gordon & Rees LLP		
Signature			
Printed name	Laurie A. Axford		
Date	October 6, 2005	Reg. No.	35,053

CERTIFICATE OF TRANSMISSION/MAILING

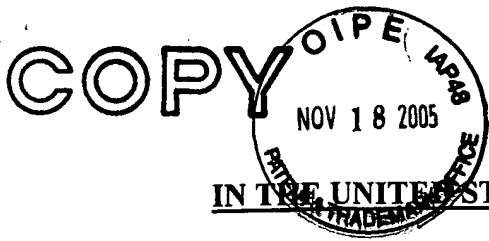
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature			
Typed or printed name	Jose R. Lopez, Jr.	Date	October 6, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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www.USCourtForms.com**COPY**



PATENT
034107-046

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of

WINSLOW, Robert M., et al.

Serial No.: 10/501,171

Filed: September 27, 2004

For: METHODS AND COMPOSITIONS FOR
OXYGEN TRANSPORT COMPRISING
MODIFIED HEMOGLOBIN IN PLASMA

Customer No.: 27111

Confirmation No.: 7868

Group Art Unit: Unknown

Examiner: Unknown

**REVOCATION AND NEW POWER OF ATTORNEY
BY ASSIGNEE OF THE ENTIRE INTEREST**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Sangart, Inc., as the Assignee of the entire interest in the above-identified patent, hereby revokes all powers of attorney previously given, and hereby appoints all practitioners associated with the Customer Number: 27111, to prosecute and transact all business in the Patent and Trademark Office connected with the above-identified patent.

Please direct all telephone calls and correspondence to:

Laurie A. Axford
Gordon & Rees LLP
101 West Broadway, Suite 1600
San Diego, California 92101
(619) 696-6700

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

Date: September 30, 2005

By: 

David A. Renas, Esq.
Chief Financial Officer and General Counsel

COPY

COPY



**ASSIGNMENT
JOINT**

THIS ASSIGNMENT, by Robert M. WINSLOW and Kim D. VANDEGRIFF (hereinafter referred to as the assignors), residing at 1210 Inspiration Drive, La Jolla, California 92037; and 100 Harbor Drive, #106, San Diego, California 92101, respectively, witnesseth:

WHEREAS, said assignors have invented certain new and useful improvements in **METHODS AND COMPOSITIONS FOR OXYGEN TRANSPORT COMPRISING MODIFIED HEMOGLOBIN IN PLASMA**, set forth in the following Patent Applications:

Type	Serial No.	Filing Date
Provisional	60/347,739	January 11, 2002
PCT	PCT/US03/00695	January 10, 2003
EP	03705712.2	January 10, 2003*
Utility	10/501,171	January 10, 2003*

*Based on PCT

and

WHEREAS, **Sangart, Inc.**, a corporation duly organized under and pursuant to the laws of California and having its principal place of business at 11189 Sorrento Valley Road, Suite 104, San Diego, California 92121 (hereinafter referred to as the assignee) is desirous of acquiring the entire right, title and interest in and to said inventions and said Patent Applications, and in and to any Letters Patent(s), United States or foreign, to be obtained therefor and thereon:

NOW, THEREFORE, for good and sufficient consideration, the receipt of which is hereby acknowledged, said assignors have assigned, transferred and set over, and by these presents do assign, transfer and set over, unto said assignee, its successors, legal representatives and assigns, the entire right, title and interest in and to the above-mentioned inventions, Patent Applications, and any and all Letters Patent(s) in the United States of America and all foreign countries which may be granted therefor and thereon, and in and to any and all conversions, divisions, continuations and continuations-in-part of said application(s), or reissues or extensions of said Letters Patent(s), and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by said assignee, for its own use and the use of its successors, legal representatives and assigns, to the full end of the term or terms for which Letters Patent(s) may be granted, as fully and entirely as the same would have been held and enjoyed by the assignors, had this sale and assignment not been made.

AND for the same consideration, said assignors hereby covenant and agree to and with said assignee, its successors, legal representatives and assigns, that, at the time of execution and delivery of these presents, said assignors are the sole and lawful owners of the entire right, title and interest in and to said inventions and the Patent Applications above-mentioned, and that the same are unencumbered and that said assignors have good and full right and lawful authority to sell and convey the same in the manner herein set forth.

AND for the same consideration, said assignors hereby covenant and agree to and with said assignee, its successors, legal representatives and assigns, that said assignors will, whenever counsel of said assignee, or the counsel of its successors, legal representatives and assigns, shall advise that any proceeding in connection with said inventions, Patent Application(s), or any proceeding in connection with any Letters Patent(s) to be obtained therefrom or thereon in any country, including interference proceedings, is lawful and desirable, or that any division, continuation or continuation-in-part of any application for Letters Patent(s) or any reissue or extension of any Letters Patent(s), to be obtained thereon, is lawful and desirable, sign all papers and documents, take all lawful oaths, and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of said Letters Patent(s), without charge to said assignee, its successors, legal representatives and assigns, but at the cost and expense of said assignee, its successors, legal representatives and assigns.

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AND said assignors hereby request the Commissioner of Patents to issue said Letters Patent(s) of the United States to said assignee as the assignee of said inventions and the Letters Patent(s) to be issued thereon for the sole use of said assignee, its successors, legal representatives and assigns.

Oct 6, 2004 Robert M. Winslow
Date Robert M. Winslow

State of California)
County of San Diego) ss:

On Oct 6, 2004 before me, Hanna S. Meyn, Notary Public, personally appeared Robert M. Winslow personally known to me OR - ~~proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument~~ and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



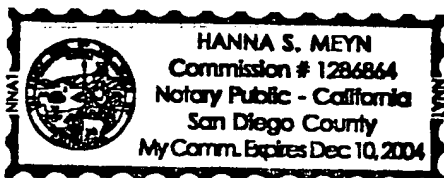
H. S. Meyn
Notary Public in and for
said County and State

Oct 6, 2004 Kim D. Vandegriff
Date Kim D. Vandegriff

State of California)
County of San Diego) ss:

On Oct 6, 2004 before me, Hanna S. Meyn, Notary Public, personally appeared Kim D. Vandegriff, personally known to me OR - ~~proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument~~ and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



H. S. Meyn
Notary Public in and for
said County and State

COPY